

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

SHAWN MANN,

Plaintiff,

Civil No. 09-500-HA

v.

ORDER

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

HAGGERTY, District Judge:

Plaintiff was the prevailing party in this action and his counsel seeks an award of attorney fees pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$5,177.29 (\$5,155.86 in attorneys fees, \$7.93 in expenses, and \$13.50 in costs). Defendant Commissioner does not object.

This court concludes that plaintiff's counsel's Unopposed Application for Fees [25] is granted as follows: it is ordered that attorney David Lowry be paid \$5,177.29 upon verification that plaintiff has no debt to the government which qualifies for offset against the awarded fees. *See Astrue v. Ratliff*, __ U.S. __, 130 S. Ct. 2521, 2527 (2010) (subjecting EAJA awards fees "to a

federal administrative offset if the litigant has outstanding federal debts."). If plaintiff has such debt, then payment for any remaining funds after offset of the debt shall be made to plaintiff's attorney.

IT IS SO ORDERED.

DATED this 17 day of November, 2010.

/s/ Ancer L. Haggerty
Ancer L. Haggerty
United States District Judge